

**MANUAL CHANGE TRANSMITTAL**

RW 0001 (REV. 10/93)

☒ XXR/W MANUAL CHANGE  
(1993 Edition)**RWMC- 157**PROCEDURAL HANDBOOK  
(1984 Edition)RWPH-\_\_\_\_-\_\_\_\_-\_\_\_\_  
TRANSMITTAL#\_\_\_\_

TITLE:

RELOCATION ASSISTANCE

APPROVED BY:

DONALD GREBE

DATE ISSUED:

**JAN 27 2006**

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SUBJECT AREA:

CHAPTER 10 - RELOCATION ASSISTANCE

ISSUING UNIT:

OFFICE OF RIGHT OF WAY PROJECT DELIVERY

SUMMARY OF CHANGES: Deletes Form RW 10-43; adds new Exhibit 10-EX-50; and updates Tables of Contents for forms and exhibits.

**PURPOSE/BACKGROUND**

In compliance with current federal regulations, this manual change deletes Form RW 10-43 completely. It has been updated and replaced with Exhibit 10-EX-50.

**PROCEDURES**

Deleted Form Number	Replaced with Exhibit Number	Exhibit Title
RW 10-43	10-EX-50	"Notice of Eligibility - Nonoccupant Owner Leasing Space to Others"

**EFFECTIVE DATE**

Immediately.

**MANUAL IMPACT**

- Remove the superseded pages and insert the attached pages in the Manual.
- Record the action on the Revision Record.

**REVISION SUMMARY**

<u>Chapter</u>	<u>Remove Old Pages</u>	<u>Insert New/Revised Pages</u>
	Remove the following in its entirety:	Replace with the following in its entirety:
10 - Forms	Table of Contents (REV 1/2006) RW 10-43 (REV 12/2001) - <b>DELETE</b>	Table of Contents (REV 1/2006) -----
10 - Exhibits	Table of Contents REV 12/2005 -----	Table of Contents REV 1/2006 10-EX-50 (NEW 1/2006)

## CHAPTER 10

### Relocation Assistance Table of Contents

#### FORMS

<b><u>Form No.</u></b>	<b><u>Title</u></b>
RW 10-1	Owner's Certification of Tenants
RW 10-2	Claim for Relocation Assistance - Residential
RW 10-3	Relocation Diary
RW 10-4	Hold for Future Use
RW 10-5	Payment Request & Relocation Cost Summary
RW 10-6	Relocation Assistance Appeal
RW 10-7	General Information Notice
RW 10-8	Notice of Intent to Acquire – Owner-Occupant
RW 10-9	Hold for Future Use
RW 10-10	Hold for Future Use
RW 10-11	Hold for Future Use
RW 10-11A	Hold for Future Use
RW 10-12	Hold for Future Use
RW 10-13	Hold for Future Use
RW 10-14	Hold for Future Use
RW 10-15	Hold for Future Use
RW 10-16	Hold for Future Use
RW 10-17	Hold for Future Use
RW 10-18	90-Day Information Notice – Residential Occupant
RW 10-19	90-Day Information Notice – Nonresidential Occupant
RW 10-20	90-Day Specific Notice – Residential Occupant
RW 10-21	90-Day Specific Notice – Nonresidential Occupant
RW 10-22	Hold for Future Use
RW 10-23	30-Day Specific Notice – Residential Occupant
RW 10-24	30-Day Specific Notice – Nonresidential Occupant
RW 10-25	Certificate of Occupancy and Receipt of Relocation Information
RW 10-26	Hold for Future Use
RW 10-27	Agreement: (Condemnation Settlement Pending) Price Differential Advance to Owner-Occupant
RW 10-28	Hold for Future Use
RW 10-29	Residential - Claim for Moving Expense by Moving Service Authorization
RW 10-30	Claim for Relocation Assistance - Nonresidential
RW 10-31	Hold for Future Use
RW 10-32	Hold for Future Use
RW 10-33	Hold for Future Use
RW 10-34	Hold for Future Use

<b><u>Form No.</u></b>	<b><u>Title</u></b>
RW 10-35	Hold for Future Use
RW 10-36	Hold for Future Use
RW 10-37	Hold for Future Use
RW 10-38	Notice to Acquisition of In-Lieu Payment or Reestablishment Expenses
RW 10-39	Income Certification
RW 10-40	Decent, Safe, and Sanitary Inspection Report
RW 10-41	Computation of Rent Differential Payment
RW 10-42	Replacement Housing Valuation Report Certification and Approval
RW 10-43	Hold for Future Use
RW 10-44	Certification Concerning Legal Residency in the United States (U.S. Residency Certification)
RW 10-44s	Certificacion Concerniente A Residencia Legal En Los Estados Unidos
RW 10-45	Agreement to Occupy Replacement Property
RW 10-46	Hold for Future Use
RW 10-47	Self Move Agreement and Claim Form for Under \$10,000 Acquisition

## **CHAPTER 10**

### **Relocation Assistance Table of Contents**

#### **EXHIBITS**

<b><u>Exhibit No.</u></b>	<b><u>Title</u></b>
10-EX-1	Hold for Future Use
10-EX-2	Hold for Future Use
10-EX-3	Relocation Impact Memorandum
10-EX-3A	Relocation Impact Statement
10-EX-4	Relocation Impact Report
10-EX-4A	RAP Planning Document
10-EX-4B	Hold for Future Use
10-EX-5	Relocation Impact Document - Questionnaire
10-EX-5A	Hold for Future Use
10-EX-5B	Hold for Future Use
10-EX-6	Explanatory Letter When Mailing Surveys
10-EX-7	Hold for Future Use
10-EX-8	Right of Way and Environmental Responsibilities
10-EX-9	Assignment of Funds to an Escrow
10-EX-10	Assignment of Funds
10-EX-11	Escrow Instructions (Format) Work Sheet
10-EX-12	Hold for Future Use
10-EX-13	Request for Old Loan Information Before Close of Escrow
10-EX-14	Request for Old Loan Information After Close of Escrow
10-EX-15	Interest Differential Calculation Procedures
10-EX-16	Mortgage Insurance Premium (MIP) Calculation
10-EX-17	Rental Assistance Payments by Installments
10-EX-18	Rental Assistance Payment to Landlord
10-EX-19	Replacement Housing Valuations
10-EX-20	Rental Credit Statement
10-EX-21	Mobile Home Benefit Tables
10-EX-22	Guidance on Converting a Rent Differential (RD) to a Down Payment (DP) for a Mobile Home
10-EX-23	Certification of Mobile Home Title Transfer
10-EX-24	Verification of Installation and Occupancy of Mobile Home
10-EX-25	Proration for Divorced or Separated Couples
10-EX-26	Gross Income for the Purpose of Calculating Rent Differentials
10-EX-27	Processing MSA Claims
10-EX-28	Timelines for Residential Occupants to Occupy and File Claim
10-EX-29	Replacement Housing Valuations - FHWA Guidance

<b><u>Exhibit No.</u></b>	<b><u>Title</u></b>
10-EX-30	FHWA Guidance on Reestablishment
10-EX-31	Reminder Letter to Displacee re: Time Frames
10-EX-32	Certified Inventory - Nonresidential
10-EX-33	Hold for Future Use
10-EX-34	FHWA Guidance on Determining Multiple Households
10-EX-35	Nonresidential Interview Checklist (First RAP Call)
10-EX-36	Guidelines for Developing Moving Specifications
10-EX-37	Guidelines for Monitoring a Nonresidential Move
10-EX-38	Self-Move Agreement
10-EX-39	Notice of Eligibility - 90-Day Occupant
10-EX-40	Conditional Entitlement Letter - 90-Day Occupant
10-EX-41	Notice of Eligibility - Non-Tenured
10-EX-42	Conditional Entitlement Letter - Non-Tenured
10-EX-43	Notice of Eligibility - Business, Farm or Nonprofit Organization
10-EX-44	HUD's Low Income Chart
10-EX-45	Conditional Entitlement Letter - 180-Day Owner-Occupant
10-EX-46	Notice of Eligibility - Personal Property Only
10-EX-47	Notice of Eligibility - 180-Day Owner-Occupant Mobile Home
10-EX-48	Conditional Entitlement Letter - 180-Day Owner-Occupant Mobile Home
10-EX-49	Notice of Eligibility - 180-Day Owner-Occupant
10-EX-50	Notice of Eligibility - Nonoccupant Owner Leasing Space to Others

**NOTICE OF ELIGIBILITY - NONOCCUPANT OWNER  
LEASING SPACE TO OTHERS**

(Form #)

EXHIBIT

10-EX-50 (NEW 1/2006)

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Date \_\_\_\_\_

File Reference: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

On \_\_\_\_\_, 20\_\_\_\_, the Department of Transportation made an offer to purchase all or a portion of the property that you own. As a potential eligible owner of the property, you may be eligible for certain benefits under the Department's Relocation Assistance Program if the Department determines you meet the following criteria:

1. You lease or rent the entire property to another and you have no personal property nor do you conduct any business at this site.
2. The leasing or rent activity is a legitimate business and not considered an investment as determined by a review of your income tax records.
3. The income from the lease or rented site contributed materially to your income.
4. Your operation is considered a "small business" and is not a franchise or chain operation.

If it is decided that you meet the above criteria, you may be eligible for a Non-Occupant Owner Reestablishment Payment that is outlined below. *It is vitally important that you understand the conditions described below which must be met before any payments can be made.*

As a small business owner, you may be eligible to receive a payment, not to exceed \$10,000, for expenses actually incurred in relocating and reestablishing your leasing activity at a replacement site. Reestablishment expenses must be reasonable and necessary as determined by the Department. They may include, but are not limited to, the following:

1. Repairs or improvements to the replacement real property as required by Federal, State, or local law, code or ordinance.
2. Modifications to replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
3. Construction and installation costs for exterior signing to advertise the business.
4. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.
5. Advertisement of replacement location.
6. Estimated increased costs of operation during the first two years at the replacement site for such items as:
  - 1) Lease or rental charges.
  - 2) Personal or real property taxes.
  - 3) Insurance premiums.
  - 4) Utility charges, excluding impact fees.

**NOTICE OF ELIGIBILITY - NONOCCUPANT OWNER  
LEASING SPACE TO OTHERS (Cont.)**

(Form #)

EXHIBIT

10-EX-50 (NEW 1/2006)

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7. Other items that the Department considers essential to the reestablishment of the business, such as incidental expenses necessary to purchase a replacement property and customarily paid by the buyer.
8. Expenses related to the purchase of the property that are considered nonrecurring escrow costs.  
Note: Recurring expenses such as insurance, property taxes, and interest are not eligible expenses.

In order to receive relocation benefits, you must, within 18 months of the Department's acquisition of your property:

1. Acquire a new replacement property; other property acquired prior to the Department's initiation of negotiations for this site is ineligible.
2. The new site must be leased or rented to another as evidenced by an executed agreement with the proposed occupant.
3. Provide documentation (invoices, proof of payment, contracts) to be reimbursed for any of the eligible expenses as listed above.

To ensure you expend funds on items that are considered eligible for reimbursement, you should review proposed expenditures with your Relocation Agent prior to entering into any contractual agreements.

However, you should be aware that you are not entitled to payment under reestablishment regulations for any of the following:

- Purchase of capital assets, such as office furniture, filing cabinets, machinery or trade fixtures.
- Purchase of manufacturing material, production supplies, product inventory or other items used in the normal course of the business operation.
- Interest on money borrowed to make the move or purchase the replacement property.
- Any expenditures related to any other property you had owned prior to the Department's initiation of negotiations to acquire this property.

Under the Relocation Assistance Advisory Assistance Program, the Department will assist you in finding a replacement property. If you want assistance, please contact your relocation advisor.

Reestablishment expenses are not considered as income for the purposes of personal income tax laws. Relocation payments are normally made within 60 days of the date that the Department receives your completed claim.

Your lessee or tenant will be given at least 90 days' written notice before they will be required to move their personal property from this real property. You will be given an opportunity to rent the vacated site to the Department at fair market value if the acquisition of the site has not been completed.

It is important that you understand the matters explained above which relate to your eligibility. If at any time you want assistance, please contact me by writing, telephoning, or visiting me at the address listed below.

**NOTICE OF ELIGIBILITY - NONOCCUPANT OWNER  
LEASING SPACE TO OTHERS (Cont.)**

(Form #)

EXHIBIT

10-EX-50 (NEW 1/2006)

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**IMPORTANT:** To receive payment for reestablishment expenses outlined above, you must file a claim for expenses actually incurred in reestablishing the small business at a replacement site within 18 months after the displacement or the date of the final payment for the acquisition of your real property, whichever is later.

Displacees not lawfully present in the United States are ineligible for relocation payments and assistance. Certification of legal U.S. residency status must be on file with the Department for all business owners in order to receive benefits.

Sincerely,

\_\_\_\_\_  
\_\_\_\_\_, Relocation Agent

\_\_\_\_\_  
Relocation Agent Address

\_\_\_\_\_  
Telephone

**ACKNOWLEDGEMENT**

I was personally contacted by the above Relocation Agent for the Department of Transportation. I have had the available services and entitlements explained to me. I have been advised that the Department of Transportation Relocation Services Section will be available to assist me if any questions arise or assistance is needed. I have been given a copy of this letter.

Date \_\_\_\_\_ Displacee's signature \_\_\_\_\_

**ADA Notice**

For individuals with disabilities, this document is available in alternate formats. For information call (916) 654-5413 Voice, CRS: 1-800-735-2929, or write Right of Way, 1120 N Street, MS-37, Sacramento, CA 95814.